

**In the  
Indiana Supreme Court**

<b>IN RE THE PATERNITY OF S.L.Z.</b>	)	<b>Supreme Court No. 20S00-0509-SJ-426</b>
	)	
<b>TONI SIMMONS</b>	)	
	)	
<b>v.</b>	)	
	)	<b>Case No. 20D06-0310-JP-67</b>
<b>ANTHONY ZEIGER</b>	)	<b>in the Elkhart Superior Court</b>

**ORDER REMANDING JURISDICTION TO TRIAL COURT**

Comes now the Honorable David C. Bonfiglio, Judge of the Elkhart Superior Court, and pursuant to Ind.Trial Rule 79(H)(3), certifies this matter for the appointment of a special judge.

And this Court, being duly advised, now finds that jurisdiction of this matter should be remanded to the Elkhart Superior Court and Judge Bonfiglio for the appointment of a special judge pursuant to Ind.Trial Rule 79(F). When a motion for change of judge is granted pursuant to Ind.Trial Rule 76, Ind.Trial Rule 79 provides the exclusive manner for appointing a special judge. In this case selection pursuant to Ind.Trial Rule 79(D) and (E) did not result in the selection of a special judge. Therefore, appointment pursuant to Ind.Trial Rule 79(F), naming a striking panel by the trial court judge, is the designated method for selecting a special judge.

IT IS, THEREFORE, ORDERED that jurisdiction of this matter should be remanded to the Elkhart Superior Court and Judge Bonfiglio for appointment of a special judge pursuant to Ind.Trial Rule 79(F).

The Clerk of this Court is directed to forward notice of this Order to the Hon. David Bonfiglio, Elkhart Superior Court, 315 South Second Street, Elkhart, IN 46516, and to the Clerk of the Elkhart Superior Court.

The Clerk of the Elkhart Superior Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this \_\_\_\_\_ day of October, 2005.

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Randall T. Shepard  
Chief Justice of Indiana